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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,432	03/24/2004	Tadashi Yoshida	1341.1197	4260

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EXAMINER

HUYNH, NAM TRUNG

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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10/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/807,432

Applicant(s)

YOSHIDA ET AL.

Examiner

Nam Huynh

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5,7,9,11,13,15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,7,9,11,13,15 and 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 9/28/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This office action is in response to amendment filed on 8/9/2007. Of the previously presented claims 1, 3, 5, 7, 9, 11, 13, 15, and 17-20, claim 20 was amended and claim 21 has been added.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1, 3, 7, 9, 11, 15, 17, 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. (US 2002/0065774) (hereinafter Young) in view of Ranganath et al. (US 2001/0037245) (hereinafter Ranganath).

Regarding claims 1 and 17, Young et al. discloses a system and method for performing electronic transactions using a browser enabled wireless telephone (abstract). In the scope of the invention, an individual with an electronics

communication device such as a mobile telephone (customer mobile telephone) may access an electronic transaction portal (electronic-payment support apparatus/first communications controller/second communications controller) via a wireless gateway in communication with a computer network such as the Internet (second Internet allowing communication with the customer mobile telephone) (page 3, paragraph 34). The electronic transaction portal is also connected to a merchant (salesperson) web server via the Internet (first Internet allowing communication with the salesperson) and provides access to the home page of a portal (portal site/gateway site) that includes a listing of accessible, or participating, merchant sites (plurality of store sites) (pages 3, 4, paragraphs 33-35). Each of the merchants (salespersons) participating in the portal is given checkout software (cashier) for inclusion on the web site (a plurality of cashiers each of the cashiers is associated with each salesperson) (page 4, paragraph 36). The mobile telephone user may choose between a variety of means for payment (page 2, paragraph 16) including an electronic wallet application, a payment product assigned by the operator of the portal, or may input data related to another means of payment in order to purchase selected items from the portal. Once the transaction portal server receives this information, the merchant may retrieve the received information, which may indicate the purchase price and method of payment (i.e. credit card). The merchant may use this information to process the transaction from the merchant's acquiring bank or the transaction may be processed using an electronic wallet server (electronic payment unit/external payment system) that is in communication via the Internet with the transaction portal server (page 4, paragraphs 37, 39, 40).

Young does not explicitly disclose a salesperson terminal that determines and registers at a website an amount to be paid operated by a salesperson. Ranganath discloses an e-commerce system and method and apparatus for order processing and inventory management (title). In the scope of the invention, a retailer or employee utilizes a point of sale device (salesperson terminal) to change inventory and the price of items (determine/register and amount informed from a salesperson terminal) offered for sale from an online store (pages 1,2, paragraphs 12, 14). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Young to allow a retailer or merchant to utilize a point of sale device to change inventory and the price of items offered for sale from an online store, as taught by Ranganath, in order to allow a retailer or merchant to publish price changes or inventory changes in a prompt manner which would prevent potential loss of revenues or customer dissatisfaction.

Regarding claims 3, 11, and 18, the limitations are rejected as applied to claim 1. Furthermore In the combination of the two references, the portal of Young would send the order information to software residing on the merchant's web site and the merchant may retrieve the information using the point of sale device of Ranganath and therefore would render the "notification unit" (page 6, paragraph 61). Ranganath also teaches that a mobile telephone user of the invention may select a product for purchase (register an amount to be paid) and may also use various payments payment methods (register a payment method) to make a purchase via the portal (page 4, paragraphs 39, 40).

Regarding claims 7 and 15, the limitations are rejected as applied to claim 1.

Furthermore, Ranganath discloses that the point of sale device may include a bar code scanner coupled to the micro-controller/processor (page 4, paragraph 51).

Regarding claims 9 and 20, the limitations are rejected as applied to claims 1 and 3.

4. Claims 5, 13, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. (US 2002/0065774) (hereinafter Young) in view of Ranganath et al. (US 2001/0037245) (hereinafter Ranganath), and further in view of Byrne et al. (US 2003/0229590) (hereinafter Byrne).

Regarding claims 5, 13, and 19, the limitations are rejected as applied to claim 3. However, the combination of Young and Ranganath does not explicitly disclose that the customer may pay based upon a pre-registered schedule. Byrne discloses a system and method for Internet payment enablement and support (abstract). In the scope of the invention, a global integrated payment system provides a portfolio of payment solutions to merchants including the capability to collect recurring payments (page 2, paragraph 15). Therefore it would have been obvious to one of ordinary skill in the art to modify the merchant websites of the combination of Young and Ranganath to include the capability of receiving a recurring payments from a customer or buyer, as taught by Byrne, in order to offer a more flexible payment solution and in turn provide the potential of increasing sales.

5. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuo et al. (EP 1109138) (hereinafter Matsuo).

Matsuo discloses an electronic settling system wherein in an embodiment a customer carries an article that he or she wishes to purchase to a checkout counter. The salesperson of the shop reads a bar code (identification information of the product) attached to the article so that purchase information is taken in the cash register (receiving identification information of a product from a customer at a salesperson terminal/registering the identification information of the product at a cashier). The salesperson then transmits purchase information (total amount of money, etc.) taken in the cash register to the portable device of the customer. The customer then authenticates the purchase information and sends purchase information back to the cash register from the portable device (receiving at the cashier electronic payment entered by the customer at a customer mobile device). The cash register then transmits settling information based on the received information to an electronic bank to perform the settlement (column 9, paragraphs 43-48). Matsuo discloses that the purchase information sent by the salesperson taken in the cash register to the portable device consists of "total amount of money, etc." and does not explicitly disclose that information identifying the cashier is sent. However, Matsuo teaches that the customer and the shop have separate accounts with the electronic bank and that electronic settlement of funds is a transfer of funds between the two accounts (columns 8, 9, paragraph 40). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made that purchase information may also include identifying information for the salesperson or cashier in order for the funds to be properly transferred between

the two parties since the customer is required to authenticate or approve the transaction.

Response to Arguments

6. Applicant's arguments filed 8/9/2007 have been fully considered but they are not persuasive.

Applicant asserts that the combination of Young and Ranganath does not disclose or suggest "a first communication controller for controlling communication with the salesperson terminal and the customer mobile terminal". In the previous office action filed on 3/9/2007 the Examiner took the position that the controller/processor of the communications device renders the "communication controller". However, upon further review of Young and Ranganath the Examiner asserts that the transaction portal server renders this limitation. In the combination of Young and Ranganath a point of sale device, or salesperson terminal, is connected to the merchant server (item 20) of Young. With reference to figure 1 of Young, it can be seen that both the customer mobile phone and the merchant are connected to the transaction portal server. Therefore the server must include a means or communication controller in order to perform communications with both parties and renders the claimed "first communication controller".

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam Huynh whose telephone number is 571-272-5970. The examiner can normally be reached on 8 a.m.-5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NTH
10/26/07


GEORGE ENG
SUPERVISORY PATENT EXAMINER